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Docket No.: 30980107-15 US CON (1509-219A)

MAR 21 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

GOLD, STEPHEN et al.

Confirmation No. 4728

U.S. Patent Application No. 10/797,195

Group Art Unit: 2876

Filed: March 11, 2004

Examiner: Daniel St Cyr

For: INTELLIGENT MEDIA READER AND LABEL PRINTER

AMENDMENT

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

In response to the Office Action of November 22, 2004, please amend the above-identified application as follows:

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CERTIFICATION OF FACSIMILE TRANSMISSION
 I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMILE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE
 ON THE DATE SHOWN BELOW

Alice Weaver
 TYPE OR PRINT NAME OF PERSON SIGNING CERTIFICATION
Alice Weaver 3.21.05
 SIGNATURE DATE
(703) 872-9306
 FACSIMILE NUMBER

Application No.: 10/797,195Docket No.: 30980107-15 US CON (1509-219A)

the data, a limitation not found in either Smith et al. nor Ruppert et al. and not discussed in the office action. Further, one of ordinary skill in the art would not have combined Smith et al. and Ruppert et al. to meet the limitations of claim 19 because the Smith et al. and Ruppert et al. devices are concerned with fields that are so different from each other.

In view of the foregoing amendments and remarks, favorable reconsideration and allowance are respectfully requested and deemed in order.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

Stephen GOLD et al.

Kenneth M. Berman

FOR By: KENNETH M. BERMAN #37,093

Allan M. Lowe
Reg. No. 19,641

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Docket No.: 30980107-15 US CONT (1509-219A)

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In re Application of

Stephen GOLD

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Group Art Unit: 2876

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Examiner: DANIEL ST CYR

For: INTELLIGENT MEDIA READER AND LABEL PRINTER

TERMINAL DISCLAIMER TO OBLVIAE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 Sir:

The owner, Hewlett-Packard Development Corporation of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,776,363. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later, expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims

03/28/2005 TSTETPO 00000008 082025 10797195

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PAGE 19/20 * RCVD AT 3/21/2005 3:39:35 PM (Eastern Standard Time) * SVR:USPTO-EFXRF-17 * DMS:3729306 * CSID:7035180223 * DURATION (mm:ss):07:00

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Application No.: 10/797,195Docket No.: 30880107-15 US CON (1509-219A)

the data, a limitation not found in either Smith et al. nor Ruppert et al. and not discussed in the office action. Further, one of ordinary skill in the art would not have combined Smith et al. and Ruppert et al. to meet the limitations of claim 19 because the Smith et al. and Ruppert et al. devices are concerned with fields that are so different from each other.

In view of the foregoing amendments and remarks, favorable reconsideration and allowance are respectfully requested and deemed in order.

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Respectfully submitted,

Stephen GOLD et al.

Kenneth M. Berner
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AML:alw

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PATENT APPLICATION FEE DETERMINATION RECORD

Effective December 8, 2004

101797195

CLAIMS AS FILED - PART I

(Column 1) (Column 2)

TOTAL CLAIMS		
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	minus 20 =	*
INDEPENDENT CLAIMS	minus 3 =	*
MULTIPLE DEPENDENT CLAIM PRESENT		<input type="checkbox"/>

* If the difference in column 1 is less than zero, enter "0" in column 2

3-21-05 CLAIMS AS AMENDED - PART II

(Column 1) (Column 2) (Column 3)

AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	26	Minus	** 26
Independent	4	Minus	*** 6	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			<input type="checkbox"/>	

SMALL ENTITY
TYPE OR OTHER THAN
SMALL ENTITY

RATE	FEES	RATE	FEES
BASIC FEE	150.00	OR BASIC FEE	300.00
X\$ 25=		OR X\$50=	
X100=		OR X200=	
+180=		OR +360=	
TOTAL		OR TOTAL	

OTHER THAN
SMALL ENTITY

RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
X\$ 25=		OR X\$50=	
X100=		OR X200=	
+180=		OR +360=	
TOTAL ADDIT. FEE		OR TOTAL ADDIT. FEE	

(Column 1) (Column 2) (Column 3)

AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	26	Minus	** 26
Independent	4	Minus	*** 6	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			<input type="checkbox"/>	

RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
X\$ 25=		OR X\$50=	
X100=		OR X200=	
+180=		OR +360=	
TOTAL ADDIT. FEE		OR TOTAL ADDIT. FEE	

(Column 1) (Column 2) (Column 3)

AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	26	Minus	** 26
Independent	4	Minus	*** 6	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			<input type="checkbox"/>	

RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
X\$ 25=		OR X\$50=	
X100=		OR X200=	
+180=		OR +360=	

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